

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

(ELECTRONICALLY FILED)

ROGER J. GOSSELIN, *Individually and  
On behalf of All Others Similarly Situated*

PLAINTIFF

CIVIL ACTION NO. 1:08-CV-05213

v.

FIRST TRUST ADVISORS L.P. *ET AL.*

DEFENDANTS

ANSWERS AND OBJECTIONS OF NON-PARTY  
J.J.B. HILLIARD, W.L. LYONS, LLC AND ITS DIVISION,  
HILLIARD LYONS ASSET MANAGEMENT, IN RESPONSE TO  
PLAINTIFF'S FIRST SET OF INTERROGATORIES

Non-Party, J.J.B. Hilliard, W.L. Lyons, LLC, on behalf of itself and its division, Hilliard Lyons Asset Management ("Hilliard Lyons"), by counsel, submits the following Answers and Objections to Plaintiff's First Set of Interrogatories.

GENERAL OBJECTIONS

1. Hilliard Lyons objects to the separate written discovery requests directed to Hilliard Lyons Asset Management because Hilliard Lyons Asset Management operated as a division of Hilliard Lyons and is not a separate legal entity. As such, any documents or information provided herein relates to both Hilliard Lyons and its division, Hilliard Lyons Asset Management, and these responses should be construed as being on behalf of both.
2. To the extent Plaintiff's written discovery requests call for information outside of the scope of the Federal Rules of Civil Procedure, Hilliard Lyons objects thereto.
3. To the extent any written discovery request seeks information within the scope of the attorney-client privilege and/or is protected under the doctrine of attorney work-product, Hilliard Lyons objects thereto.

4. Hilliard Lyons states that its responses are based on the facts which it was aware of when the Complaint was filed and/or certain facts obtained thereafter. Additional facts may become known which alter, amend, supplement or modify these responses. The responses below are made specifically subject to and without waiving the aforesaid objections and are limited thereby.

### INTERROGATORIES

INTERROGATORY NO. 1: List the names, titles, email addresses, and dates of employment of any current or former employee of Defendants likely to have knowledge regarding any of the allegations of the Complaint.

ANSWER: Hilliard Lyons is without knowledge or information sufficient to respond to Interrogatory No. 1.

INTERROGATORY NO. 2: List the names, titles, email addresses, and dates of employment of any current or former employee of Subadvisors likely to have knowledge regarding any of the allegations of the Complaint.

ANSWER:

Elizabeth Kaplan  
Associate Director Compliance  
[ekaplan@hilliard.com](mailto:ekaplan@hilliard.com)  
Hire date 12.9.02

James Allen, Chief Executive Officer  
[jallen@hilliard.com](mailto:jallen@hilliard.com)  
Hire date: 7.6.81

Raymond "Rip" Merchele (former employee)  
Director Fixed Income  
[rmerchele@hilliard.com](mailto:rmerchele@hilliard.com) (former e-mail address)  
Hire date: 10.29.04 through 4.28.06

Don Asfahl  
Director Asset Management  
[dasfahl@hilliard.com](mailto:dasfahl@hilliard.com)  
Hire date: 10.30.96

Ken Mathis (former employee)  
Director, Institutional Asset Management  
[kmathis@hilliard.com](mailto:kmathis@hilliard.com) (former e-mail address)  
Hire date: 6.1.99 through 4.28.06

Julie Gragg (former employee)  
Investment Advisory Compliance Analyst  
[jgragg@hilliard.com](mailto:jgragg@hilliard.com) (former e-mail address)  
Hire date: 3.9.06 through 5.30.08

Justin Ventura (former employee)  
Associate Portfolio Manager  
[jventura@hilliard.com](mailto:jventura@hilliard.com) (former e-mail address)  
Hire date: 6.28.05 through 4.28.06

INTERROGATORY NO. 3: Identify any current or former employee of you or of Defendants involved with or responsible for valuing the underlying investments and assets in each of the Funds and/or NAV of each of the Funds during the Relevant Time Period. For each individual identified, provide a description of the relationship of that individual to you, as well as his or her role in valuing the Funds' underlying investments and assets and/or NAV.

ANSWER: Hilliard Lyons is not aware of any current or former employee involved with or responsible for valuing the underlying investments and assets in any of the funds and/or NAV of such funds during the requested time period.

INTERROGATORY NO. 4: Identify any source or outside broker used to determine the value of the underlying investments and assets in each of the Funds and/or the NAV of each of the Funds, including without limitation, any source that provided data concerning the prices of the assets in each of the Funds, during the Relevant Time Period. For each source identified, provide a description of how such source was used to determine the value of each of the Funds' underlying investments or assets and/or NAV.

ANSWER: Hilliard Lyons was not responsible for valuing the underlying investments and assets in the Funds and/or the NAV of the Funds, and therefore is without knowledge or information sufficient to respond to Interrogatory No. 4.

INTERROGATORY NO. 5: Describe the process used to determine the NAV of the assets in each of the Funds, including without limitation, the roles of specific individuals, the use of data concerning the prices of assets in each of the Funds, and any changes made to the process during the Relevant Time Period.

ANSWER: Hilliard Lyons was not responsible for valuing the underlying investments and assets in the Funds and/or the NAV of the Funds, and therefore is without knowledge or information sufficient to respond to Interrogatory No. 5.

INTERROGATORY NO. 6: Describe the due diligence, if any, performed prior to the purchase of the Funds' underlying assets or investments during the Relevant Time Period.

ANSWER: Hilliard Lyons is without knowledge or information sufficient to respond to Interrogatory No. 6.

INTERROGATORY NO. 7: Describe the role of the Board of Trustees in developing, adopting and overseeing the procedures used to determine the NAV of each of the funds, as well as the values of the underlying investments or assets in each of the Funds, during the Relevant Time Period.

ANSWER: Hilliard Lyons was not responsible for valuing the underlying investments and assets in the Funds and/or the NAV of the Funds, and therefore is without knowledge or information sufficient to respond to Interrogatory No. 7.

INTERROGATORY NO. 8: Describe the Internal Control Policies of First Trust and/or First Trust Portfolios, including any changes made thereto, during the Relevant Time Period.

ANSWER: Hilliard Lyons was not responsible for valuing the underlying investments and assets in the Funds and/or the NAV of the Funds, and therefore is without knowledge or information sufficient to respond to Interrogatory No. 8.

INTERROGATORY NO. 9: Describe your role in developing, adopting and overseeing procedures used to determine the NAV of each of the Funds, as well as the values of the underlying investments or assets in each of the Funds, during the Relevant Time Period.

ANSWER: Hilliard Lyons had no role in developing, adopting or overseeing procedures to determine the NAV of the funds.

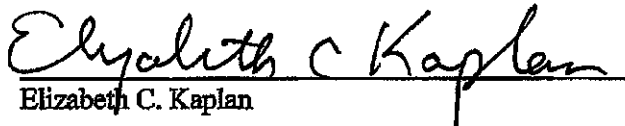
INTERROGATORY NO. 10: Identify any employee of you or of Defendants involved with or responsible for making any public disclosures concerning the determination of the NAV of each of the Funds, including but not limited to disclosures made in Defendants' SEC filings, during the Relevant Time Period. For each individual identified, provide a description of the relationship of that individual to you, as well as his or her role in making the public disclosures.

ANSWER: To the best of Hilliard Lyons' knowledge or information, no employees of Hilliard Lyons were involved with or responsible for making any public disclosures concerning the determination of the NAV of the funds.

VERIFICATION

I, Elizabeth C. Kaplan, on behalf of J.J.B. Hilliard, W.L. Lyons, LLC and its division Hilliard Lyons Asset Management, being first duly sworn, state that I have read the foregoing Answers and Objections of Non-Party J.J.B. Hilliard, W.L. Lyons, LLC and Hilliard Lyons Asset Management in Response to Plaintiff's First Set of Interrogatories and know the content thereof. Said responses are true and correct to the best of my knowledge and belief based upon my own knowledge and the information made available to me.

J.J.B. HILLIARD, W.L. LYONS, LLC AND ITS DIVISION,  
HILLIARD LYONS ASSET MANAGEMENT

  
Elizabeth C. Kaplan

Title: Chief Compliance Officer-Advisory

COMMONWEALTH OF KENTUCKY )

)SS:

COUNTY OF JEFFERSON )

The foregoing instrument was acknowledged before me this 5th day of May, 2010 by Elizabeth C. Kaplan, Chief Compliance Officer-Advisory of J.J.B. Hilliard, W.L. Lyons, on behalf of the corporation.

My commission expires: 7-24-11

  
NOTARY PUBLIC

Respectfully submitted,

/s/ Janet P. Jakubowicz

Janet P. Jakubowicz

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COUNSEL FOR NON-PARTY,

J.J.B. HILLIARD, W.L. LYONS, LLC, ON BEHALF

OF ITSELF AND ITS DIVISION, HILLIARD LYONS

ASSET MANAGEMENT

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing was served on this, the 5<sup>th</sup> day of May, 2010, via service through CM/ECF Electronic Filing to the United States District Court, Northern District of Illinois upon the following:

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/s/Janet P. Jakubowicz

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